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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 AL-HARETH AL-BUSTANI,

11 Plaintiff,

12 v.

13 SEAN B. ALGER, et al.,

14 Defendants.

CASE NO. C22-5238JLR

ORDER TO SHOW CAUSE

15 Federal Rule of Civil Procedure 4 requires a plaintiff to serve each defendant with
16 a summons and a copy of the plaintiff's complaint and sets forth the specific
17 requirements for doing so. Federal Rule of Civil Procedure 4(m), which provides the
18 timeframe in which service must be effectuated, states in relevant part:

19 If a defendant is not served within 90 days after the complaint is filed, the
20 court—on motion or on its own after notice to the plaintiff—must dismiss
21 the action without prejudice against that defendant or order that service be
22 made within a specified time. But if the plaintiff shows good cause for the
failure, the court must extend the time for service for an appropriate period.

1 *Id.*; *see also Boden v. City of Topeka, Kan.*, 441 F.3d 1129, 1148 (10th Cir. 2006)
2 (requiring newly added defendants to be served within 90 days after an amended
3 complaint is filed).

4 On September 19, 2022, the court dismissed Mr. Al-Bustani's claims against
5 Defendants Steven Outtrim, Evan Watson, and Harrison Lindley without prejudice
6 because Mr. Al-Bustani had failed to effectuate service of process on these Defendants
7 within 90 days of filing his complaint and after a 45-day extension permitted by the court.
8 (*See* 9/19/22 Order (Dkt. # 41).) Mr. Al-Bustani filed an amended complaint on
9 September 22, 2022, again asserting claims against Mr. Outtrim, Mr. Watson, and Mr.
10 Lindley. (*See* Am. Compl. (Dkt. # 44) ¶¶ 6, 10, 11.) Mr. Al-Bustani's amended
11 complaint also asserts, for the first time, claims against James Maiden (*id.* ¶ 9), and
12 Ashlea Stinnett, a.k.a. Kay Stone (*id.* ¶ 7).¹ The deadline for Mr. Al-Bustani to serve the
13 amended complaint on Mr. Outtrim, Ms. Stinnett, Mr. Maiden, Mr. Watson, and Mr.
14 Lindley was December 21, 2022, *see* Fed. R. Civ. P. 4(m), but Mr. Al-Bustani has not
15 provided proof of service for any of these Defendants (*see* Dkt).

16 Accordingly, the court ORDERS Plaintiff to SHOW CAUSE by no later than
17 January 9, 2023, why Defendants Steven Outtrim, Ashlea Stinnett, James Maiden, Evan
18 Watson, and Harrison Lindley should not be dismissed from this action for failure to
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21 ¹ Mr. Al-Bustani had previously misidentified Ms. Stinnett in his original complaint and
22 indicated he would serve her after identifying her correctly in his amended complaint. (*See* OSC
Resp. (Dkt. # 27) at 2-3; *see also* 9/19/22 Order at 2 n.1.)

1 comply with Rule 4(m). If Mr. Al-Bustani does not demonstrate good cause for the
2 failure, the court will dismiss the above-named Defendants without prejudice.²

3 Dated this 28th day of December, 2022.

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6 JAMES L. ROBART
7 United States District Judge
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22 ² This serves as Mr. Al-Bustani's third warning from the court that defendants who are
not timely served must be dismissed from this action. (See 9/19/22 Order at 2; 7/13/22 OSC
(Dkt. # 17) at 2.)